

REMARKS

The Office Action dated January 7, 2009 has been received and reviewed. This response, submitted along with a Petition for a Three-Month Extension of Time, is directed to that action.

Claim 1, 6, 8 and 9 have been amended. Support for the amendment to claim 1 can be found in paragraph [0039] and [0040] of the published US application 2006/0157084 A1.

Claims 6, 8 and 9 have been amended to correct an error in the dependency. No new matter has been added.

The applicants respectfully request reconsideration in view of the foregoing amendments and the following remarks.

Claim Objections

The Examiner objected to claims 8 and 9 as being improperly dependent upon a cancelled claim. These claims, as well as claim 6, have been amended herein to correct the claim dependency, thus obviating the objection.

Claim Rejections- 35 U.S.C. §102

The Examiner rejected claims 1-4, 7-10 and 12 under 35 U.S.C. §102(b) as anticipated by Reeves (US 6,372,126). The applicants respectfully traverse this rejection.

To anticipate a claim, the reference must disclose each and every element of the claimed invention. *Verdergaal Bros. v. Union Oil Co. of Cal.*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987). The applicants respectfully submit that Reeves fails to teach or suggest each and every element of the pending claims.

Reeves is directed to a chlorinator device for chlorinating fluid, most preferably in an

aerobic waste treatment system, swimming pool or other system having a contained flowing fluid requiring chlorination. (See Reeves, col. 1, lines 13-16; Abstract). The Examiner stated that Reeves discloses an automatic detergent dispensing device comprising a detergent bar comprising a detergent composition, a detergent additive, or a detergent composition comprising a detergent additive. The Examiner interprets Reeves' "chlorine tablets (14)" as a detergent bar comprising a detergent composition. The applicants respectfully submit that Reeves' chlorine tablets do not anticipate the presently claimed automatic dishwashing detergent because, as any person skilled in the art would know, pure chlorine tablets are not satisfactory for automatic dishwashing.

Moreover, the presently claimed invention is directed to an "automatic washing machine detergent dispensing device". Reeves is decidedly not adapted to be used as an automatic washing machine dispensing device, but rather is used for dispensing chlorine to waste water treatment systems, swimming pools and the like. The applicants respectfully submit that the term "automatic washing machine detergent" should be given patentable weight because this terminology limits the structure of the device because the device must be structurally adapted for use in an automatic dishwashing machine. Any device incapable of being used in an automatic dishwashing machine due to size, structure, etc., would be outside the scope of the present claims. Indeed, Reeves' device could not be used in an automatic dishwashing machine. According to the Federal Circuit's decision in *Corning Glass Works v. Sumitomo Elec., USA, Inc.* 868, F.2d 1251, 1257, 9 USPQ2d 1962, 1966 (Fed. Cir. 1989), any terminology in the preamble that limits the structure of the claimed invention *must be treated as a claim limitation*.

Accordingly, the applicants submit that Reeves fails to teach each and every limitation of the presently claimed invention and respectfully request that the Examiner withdraw this

rejection.

Claim Rejections- 35 U.S.C. §102/103

The Examiner rejected claims 1-4, 7-10 and 12 under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Jordan (US 4,338,191); and claims 16-20 under 35 U.S.C. §103 as obvious over Jordan or Reeves. The applicants respectfully traverse these rejections.

Jordan is directed to an apparatus for treating fluids emitted by, for example, septic tanks. (See Jordan, Abstract; col. 1, lines 4-11). Similar to Reeves, the Examiner interprets the “treating agent” of Jordan as equivalent to the detergent of the present invention. Despite the Examiner’s contention, Jordan never teaches an automatic dishwashing machine detergent, nor does Jordan teach an automatic dishwashing detergent dispensing device as presently claimed. Furthermore, there is nothing in Jordan that would suggest to the skilled person that Jordan’s device could be adapted for use in an automatic dishwashing machine, or to add dishwashing detergent to Jordan’s device. In fact, Jordan’s device is actually adapted to be buried in the ground! (See Abstract; col. 1, lines 55-58). A skilled artisan would never think to modify such a device to be used in an automatic dishwashing machine because it is simply too far outside the scope of the level of ordinary skill in the art. Therefore, the applicants respectfully request that the Examiner withdraw these rejections.

The applicants believe the claims are now in condition for allowance, and respectfully request such favorable action. If any issues remain, the resolution of which can be advanced through a telephone conference, the Examiner is invited to contact the applicant’s attorney at the phone number listed below.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully requests that this be considered a petition therefore. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,

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